

## **REMARKS**

### **STATUS OF THE CLAIMS.**

Claims 40-68 are pending with entry of this amendment, claims 1-39 being cancelled and claims 40-68 being added herein. The pending claims refer to the heregulin variant recited in original claims 34-39. Claims 39-50 relate to nucleic acid molecules encoding this variant, as well as to related vectors, host cells, and recombinant production methods. These are described in the specification at least at pages 41-47 and at page 28, lines 25-34. Claim 51 relates to a composition comprising the variant, which is described at least at page 50, lines 30-35 of the specification. Claims 52-68 relate to methods of using the variant, which find support in the specification at least at pages 47-58.

### **ELECTION/RESTRICTION.**

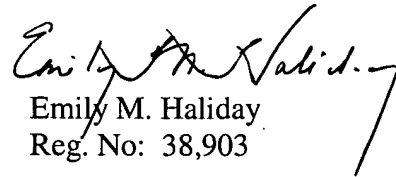
The previously pending claims were subject to a restriction requirement and an election of species requirement, which is now moot. Unlike the previously pending claims, all of the pending claims relate to a specific heregulin variant. For this reason, Applicants submit that all pending claims can be examined in the present application without serious burden, and such examination is respectfully requested.

Should the Examiner take the view that an election is required for this response to be fully responsive to the Office Action, Applicants provisionally elect claims 40-48 with traverse. These claims relate to nucleic acid molecules and related vectors, host cells, and recombinant production methods. In the Office Action, the Examiner grouped analogous originally filed claims 14-17 together in Claim Group I. Office Action, page 2. Although it is believed that the election of species requirement is moot, Applicants provisionally elect the nucleic acid molecule recited in claim 41 with traverse to ensure that this response is fully responsive. All other pending claims are generic to the subject matter recited in this claim. Claims 40-45 read on this subject matter.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 769-3509.

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Respectfully submitted,

  
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